

CERTIFICATION

I certify that on the 9th day of June, 1981

I sent a copy of the foregoing Notice of Violation and Order by

Certified Mail, Return Receipt Requested, to:



SEMS DocID 642602

1. Kailash C. Pande, President  
Carroll Products, Inc.  
c/o 46 Sherwood Drive  
Westerly, RI 02891
2. Rajendra N. Chadha, Vice President  
Carroll Products, Inc.  
c/o 50 Las Brisas Circle  
East Greenwich, RI
3. Mr. Santo Turano, Jr., Agent  
Carroll Products, Inc.  
c/o 31 Broad Street  
Westerly, RI 02891
4. Mr. Arthur F. Schwartz  
Director of Chemical Operations  
Carroll Products, Inc.  
P.O. Box 66  
Wood River Junction, RI 02894

RCRA RECORDS CENTER  
FACILITY Agency Realty  
I.D. NO. R10002042216  
FILE LOC. R-16  
OTHER \_\_\_\_\_

Certified Mail No. 3545510, 3545511, 3545512, and 0719109 respectively

Kathleen A. McKe 6/9/81  
Signature

cc: Sean Coffey  
M. Travers  
D. Schatz  
L. Rikleen✓

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF AIR AND HAZARDOUS MATERIALS

Re: CARROLL PRODUCTS, INC.  
Route 91  
Wood River Junction, Rhode Island

NOTICE OF VIOLATION AND ORDER

Notice is hereby given that Carroll Products, Inc. (hereinafter "the Company") is and/or has been in violation of the Hazardous Waste Management Act of 1978, Chapter 23-19.1 of the Rhode Island General Laws (hereinafter "the Act") as amended and the regulations adopted pursuant thereto. The Director of the Rhode Island Department of Environmental Management has authority to adopt regulations pursuant to R.I.G.L. Section 23-19.1-6(a). According to R.I.G.L. §23-19.1-6(b), 23-19.1-15, 23-19.1-16 and 42-17.1-2, the Director, or his designee, has the authority to enforce the provisions of the Act and the regulations adopted pursuant thereto.

Specifically the Company is and/or has been in violation of Rules 2, 4 and 7 of the Rhode Island Hazardous Waste Generator Rules and Regulations, effective December 20, 1979 and as amended on November 23, 1980, which reads as follows:

"Rule 2, Storage - Any material designated as a hazardous waste stored at the site of generation for a period not to exceed 90 days shall be termed temporary storage and excluded from storage permit requirements provided that such waste is shipped off site within 90 days. Temporary storage areas shall be designed and constructed with adequate spill control capabilities and in accordance with the provisions of 40CFR §262.34, as is or as shall be amended. Generators storing hazardous waste for a period exceeding 90 days shall obtain a storage permit.

Rule 4. Labeling - The generator shall label the side of all hazardous waste containers of 110 gallons or less with:

- a. Generator's name and address of generating facility
- b. The generic name of the principal hazardous waste components
- c. The waste type(s), name(s) and number(s)
- d. Date of containerization
- e. The Rhode Island Hazardous Waste Manifest Number

Rule 7. Typing of Hazardous Waste - The generator shall ensure that all waste generated be investigated for potential hazard. If the waste contains substances fitting the definitions of hazardous, appropriate indications must be made on labels and the manifest to accompany the waste. If the director challenges the typing or designation of the waste by the generator, the generator shall change the typing and designation or demonstrate, to the satisfaction of the director, that the waste has been appropriately typed and designated. After the receipt of an adequate demonstration by the generator, the director shall inform the generator of his determination within 30 days. Until the determination is made by the director, the waste in question shall be disposed of only at a facility approved to accept wastes of the higher risk designation."

In addition, the Company, is and/or has been in violation of Rhode Island Hazardous Waste Treatment and Storage Facility Rules and Regulations effective November 23, 1980 specifically Rule 9.06, which reads as follows:

"9.06 Use and Management of Containers

- (a) The operator shall insure that the following is complied with regarding the use of containers.
  - 1. All containers are compatible with the waste to be stored within.
  - 2. Containers holding hazardous waste are kept closed and are not opened, handled, or stored in a manner which may cause a rupture or leak.
  - 3. Areas where containers are stored are inspected weekly.
  - 4. Containers holding flammable or reactive waste are located at least 15 meters from the facility's property line.
  - 5. Incompatible wastes are not placed in the same container.
  - 6. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby is separated or protected from the other material(s)."

Recent investigations conducted by this Department on or about April 20 and May 7, have revealed that the Company has specifically violated the above-cited statutes and regulations as follows: stored hazardous waste on-site without adequate spill control capabilities, in violation of Generator Rule 2; stored hazardous waste on-site in improperly labeled containers and in corroded and leaking containers, in violation of Treatment and Storage Rules 2 and 9.06, and Generator Rule 4; stored hazardous waste on-site in excess of 90 days without complying with the Hazardous Waste Treatment and Storage Regulations, in violation of Generator Rule 2.

The Company is hereby ORDERED to:

- 1. Identify all waste in all drums on-site and properly label all drums of hazardous waste as required in Generator Rule 4 and 7.
- 2. Upgrade the hazardous waste storage area(s) with adequate spill control systems as required in Treatment and Storage Rule 9.06, and Generator Rule 2.

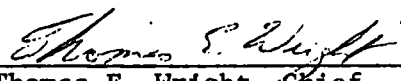
3. Clean up and properly package all spilled hazardous waste as required in Treatment and Storage Rule 9.06.
4. Store any containers found to contain flammable or reactive waste at least 15 meters from the facility's property line as required in Treatment and Storage Rule 9.06.
5. Repackage all hazardous waste which is in corroding and/or leaking containers into secure containers as required in Treatment and Storage Rule 9.06.
6. Comply fully with the Rhode Island Hazardous Waste Treatment & Storage Regulations pertaining to the storage of hazardous waste.
7. Commence a systematic program of removing all drums of hazardous waste off-site to authorized facilities in compliance with the Generator Rules.
8.
  - (a) Comply with items 1 above immediately.
  - (b) Comply with items 1 thru 6 above within 20 days of the receipt of this notice.
  - (c) Complete item 7 above (all drums removed) within 45 days of the receipt of this notice.

Pursuant to Section 42-17.1-2(u) and Chapter 42-35 of the General Laws of Rhode Island, 1956, (1977 Reenactment), as amended, the Company is entitled to request a hearing before the Director of Environmental Management or his designee within ten (10) days of the service of this notice of violation and order to show cause why this finding of violation should not stand and why this order should not be enforced. If the Company fails to request a hearing within the aforesaid period of time, it is hereby notified that this notice will automatically become a compliance order.

Failure or inability thereafter to comply with this order will result in the Director petitioning the Superior Court to prevent any further transportation, treatment or storage of hazardous waste within Rhode Island whatsoever and/or to impose the civil and criminal penalties specified in Sections 23-19.1-18 and 23-19.1-17 of the aforementioned Hazardous Waste Management Act, until the violations are corrected to the satisfaction of the Director. Criminal penalties specify a maximum \$25,000 fine and/or five (5) years imprisonment.

FOR THE DIRECTOR:

DATED:

  
Thomas E. Wright, Chief  
Division of Air and Hazardous  
Materials

June 8, 1981